

(b) Whoever violates this section shall be fined not more than \$50,000, and any goods, wares, or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

(June 25, 1948, ch. 645, 62 Stat. 786; Oct. 6, 1992, Pub. L. 102-393, title V, § 535(b), 106 Stat. 1764; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(H), 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 396c, 396d, 396e (July 24, 1935, ch. 412, §§ 2, 3, 4, 49 Stat. 494, 495).

Section consolidates sections 396c, 396d, and 396e of title 18, U.S.C., 1940 ed.

Words “upon conviction thereof” were deleted as unnecessary, since punishment cannot be imposed until after conviction.

Words “transported in violation of this section or section 1761” were added after the word “merchandise” to continue existing law.

The provisions of said section 396e of title 18, U.S.C., 1940 ed., relating to venue, were omitted as covered by section 3237 of this title.

Minor changes were made in translations and phraseology.

AMENDMENTS

1994—Pub. L. 103-322, which directed the amendment of this section by substituting “under this title” for “not more than \$1,000”, could not be executed because the phrase “not more than \$1,000” did not appear in text subsequent to amendment of subsec. (b) by Pub. L. 102-393. See 1992 Amendment note below.

1992—Subsec. (b). Pub. L. 102-393 substituted “\$50,000” for “\$1,000”.

CROSS REFERENCES

Divesting prison made goods of interstate character, see section 11507 of Title 49, Transportation.

Jurisdiction and venue of offenses begun in one district and completed in another, see section 3237 of this title.

CHAPTER 87—PRISONS

Sec.	
1791.	Providing or possessing contraband in prison.
1792.	Mutiny and riot prohibited.
1793.	Trespass on Bureau of Prisons reservations and land.

AMENDMENTS

1986—Pub. L. 99-646, § 64(b), Nov. 10, 1986, 100 Stat. 3614, added item 1793.

1984—Pub. L. 98-473, title II, § 1109(c), Oct. 12, 1984, 98 Stat. 2148, amended analysis generally by revising items 1791 and 1792, and by inserting a second chapter heading which was not executed to text as redundant.

CROSS REFERENCES

Escape and rescue, see section 751 et seq. of this title.

§ 1791. Providing or possessing contraband in prison

(a) OFFENSE.—Whoever—

(1) in violation of a statute or a rule or order issued under a statute, provides to an inmate of a prison a prohibited object, or attempts to do so; or

(2) being an inmate of a prison, makes, possesses, or obtains, or attempts to make or obtain, a prohibited object;

shall be punished as provided in subsection (b) of this section.

(b) PUNISHMENT.—The punishment for an offense under this section is a fine under this title or—

(1) imprisonment for not more than 20 years, or both, if the object is specified in subsection (d)(1)(C) of this section;

(2) imprisonment for not more than 10 years, or both, if the object is specified in subsection (d)(1)(A) of this section;

(3) imprisonment for not more than 5 years, or both, if the object is specified in subsection (d)(1)(B) of this section;

(4) imprisonment for not more than one year, or both, if the object is specified in subsection (d)(1)(D) or (d)(1)(E) of this section; and

(5) imprisonment for not more than 6 months, or both, if the object is specified in subsection (d)(1)(F) of this section.

(c) Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance. Any punishment imposed under subsection (b) for a violation of this section by an inmate of a prison shall be consecutive to the sentence being served by such inmate at the time the inmate commits such violation.

(d) DEFINITIONS.—As used in this section—

(1) the term “prohibited object” means—

(A) a firearm or destructive device or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection;

(B) marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection, ammunition, a weapon (other than a firearm or destructive device), or an object that is designed or intended to be used as a weapon or to facilitate escape from a prison;

(C) a narcotic drug, methamphetamine, its salts, isomers, and salts of its isomers, lysergic acid diethylamide, or phencyclidine;

(D) a controlled substance (other than a controlled substance referred to in subparagraph (A), (B), or (C) of this subsection) or an alcoholic beverage;

(E) any United States or foreign currency; and

(F) any other object that threatens the order, discipline, or security of a prison, or the life, health, or safety of an individual;

(2) the terms “ammunition”, “firearm”, and “destructive device” have, respectively, the meanings given those terms in section 921 of this title;

(3) the terms “controlled substance” and “narcotic drug” have, respectively, the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

(4) the term “prison” means a Federal correctional, detention, or penal facility.

(June 25, 1948, ch. 645, 62 Stat. 786; Oct. 12, 1984, Pub. L. 98-473, title II, § 1109(a), 98 Stat. 2147;

Nov. 10, 1986, Pub. L. 99-646, § 52(a), 100 Stat. 3606; Nov. 18, 1988, Pub. L. 100-690, title VI, § 6468(a), (b), 102 Stat. 4376; Sept. 13, 1994, Pub. L. 103-322, title IX, § 90101, title XXXIII, § 330003(a), 108 Stat. 1986, 2140.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 753j, 908 (May 14, 1930, ch. 274, § 11, 46 Stat. 327; May 27, 1930, ch. 339, § 8, 46 Stat. 390).

Section consolidates sections 753j and 908 of title 18, U.S.C., 1940 ed. The section was broadened to include the taking or sending out of contraband from the institution. This was suggested by representatives of the Federal Bureau of Prisons and the Criminal Division of the Department of Justice. In other respects the section was rewritten without change of substance.

The words “narcotic”, “drug”, “weapon” and “contraband” were omitted, since the insertion of the words “contrary to any rule or regulation promulgated by the attorney general” preserves the intent of the original statutes.

Words “guilty of a felony” were deleted as unnecessary in view of definitive section 1 of this title. (See also reviser’s note under section 550 of this title.)

Minor verbal changes also were made.

REFERENCES IN TEXT

Schedules I, II, and III, referred to in subsec. (d)(1)(A), (B), probably mean schedules I to III of the schedules of controlled substances, which are set out in section 812(c) of Title 21, Food and Drugs.

AMENDMENTS

1994—Subsec. (b)(2) to (5). Pub. L. 103-322, §§ 90101(6), 330003(a), amended subsec. (b) identically, substituting “(d)” for “(c)” wherever appearing in pars. (2) to (5).

Subsec. (c). Pub. L. 103-322, § 90101(1), inserted at beginning “Any punishment imposed under subsection (b) for a violation of this section involving a controlled substance shall be consecutive to any other sentence imposed by any court for an offense involving such a controlled substance.”

Subsec. (d)(1)(A). Pub. L. 103-322, § 90101(2), inserted before semicolon at end “or a controlled substance in schedule I or II, other than marijuana or a controlled substance referred to in subparagraph (C) of this subsection”.

Subsec. (d)(1)(B). Pub. L. 103-322, § 90101(3), inserted “marijuana or a controlled substance in schedule III, other than a controlled substance referred to in subparagraph (C) of this subsection,” before “ammunition.”

Subsec. (d)(1)(C). Pub. L. 103-322, § 90101(4), inserted “methamphetamine, its salts, isomers, and salts of its isomers,” after “narcotic drug.”

Subsec. (d)(1)(D). Pub. L. 103-322, § 90101(5), inserted “(A), (B), or” before “(C)”.

1988—Subsec. (b). Pub. L. 100-690, § 6468(a), added par. (1), redesignated former pars. (1) to (4) as (2) to (5), respectively, and struck out “or (c)(1)(C)” after “subsection (c)(1)(B)” in par. (3) as redesignated.

Subsecs. (c), (d). Pub. L. 100-690, § 6468(b), added subsec. (c) and redesignated former subsec. (c) as (d).

1986—Pub. L. 99-646 amended section generally. Prior to amendment, section read as follows:

“(a) OFFENSE.—A person commits an offense if, in violation of a statute, or a regulation, rule, or order issued pursuant thereto—

“(1) he provides, or attempts to provide, to an inmate of a Federal penal or correctional facility—

“(A) a firearm or destructive device;

“(B) any other weapon or object that may be used as a weapon or as a means of facilitating escape;

“(C) a narcotic drug as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

“(D) a controlled substance, other than a narcotic drug, as defined in section 102 of the Controlled

Substances Act (21 U.S.C. 802), or an alcoholic beverage;

“(E) United States currency; or

“(F) any other object; or

“(2) being an inmate of a Federal penal or correctional facility, he makes, possesses, procures, or otherwise provides himself with, or attempts to make, possess, procure, or otherwise provide himself with, anything described in paragraph (1).

“(b) GRADING.—An offense described in this section is punishable by—

“(1) imprisonment for not more than ten years, a fine of not more than \$25,000, or both, if the object is anything set forth in paragraph (1)(A);

“(2) imprisonment for not more than five years, a fine of not more than \$10,000, or both, if the object is anything set forth in paragraph (1)(B) or (1)(C);

“(3) imprisonment for not more than one year, a fine of not more than \$5,000, or both, if the object is anything set forth in paragraph (1)(D) or (1)(E); and

“(4) imprisonment for not more than six months, a fine of not more than \$1,000, or both, if the object is any other object.

“(c) DEFINITIONS.—As used in this section, ‘firearm’ and ‘destructive device’ have the meaning given those terms, respectively, in 18 U.S.C. 921(a)(3) and (4).”

1984—Pub. L. 98-473 substituted provisions relating to providing or possessing contraband in prison, grading of offenses and definitions of “firearm” and “destructive device” for former provisions relating to traffic in contraband articles.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 52(b) of Pub. L. 99-646 provided that: “The amendment made by this section [amending this section] shall take effect 30 days after the date of the enactment of this Act [Nov. 10, 1986].”

CROSS REFERENCES

Bureau of Prisons employees, power to arrest without warrant for violations of this section, see section 3050 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3050 of this title.

§ 1792. Mutiny and riot prohibited

Whoever instigates, connives, willfully attempts to cause, assists, or conspires to cause any mutiny or riot, at any Federal penal, detention, or correctional facility, shall be imprisoned not more than ten years or fined under this title, or both.

(June 25, 1948, ch. 645, 62 Stat. 786; Oct. 12, 1984, Pub. L. 98-473, title II, § 1109(b), 98 Stat. 2148; Nov. 10, 1986, Pub. L. 99-646, § 53(a), 100 Stat. 3607; Sept. 13, 1994, Pub. L. 103-322, title XXXIII, § 330016(1)(O), 108 Stat. 2148.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 252 (May 18, 1934, ch. 303, § 1, 48 Stat. 782).

Escape provisions of this section were incorporated in section 752 of this title.

Reference to persons causing, procuring, aiding and assisting was omitted. Such persons are principals under section 2 of this title.

Minor changes were made in translation and phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$25,000”.

1986—Pub. L. 99-646 inserted “, detention,” after “penal”.

1984—Pub. L. 98-473 substituted provisions deleting prohibition on bringing dangerous instrumentalities

into prison and inserted provision setting forth a maximum \$25,000 fine.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 53(b) of Pub. L. 99-646 provided that: "The amendment made by this section [amending this section] shall take effect 30 days after the enactment of this Act [Nov. 10, 1986]."

CROSS REFERENCES

Bureau of Prisons employees, power to arrest without warrant for violations of this section, see section 3050 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3050 of this title.

§ 1793. Trespass on Bureau of Prisons reservations and land

Whoever, without lawful authority or permission, goes upon a reservation, land, or a facility of the Bureau of Prisons shall be fined under this title or imprisoned not more than six months, or both.

(Added Pub. L. 99-646, § 64(a), Nov. 10, 1986, 100 Stat. 3614; amended Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$500".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3050 of this title.

CHAPTER 89—PROFESSIONS AND OCCUPATIONS

Sec.

1821. Transportation of dentures.

§ 1821. Transportation of dentures

Whoever transports by mail or otherwise to or within the District of Columbia, the Canal Zone or any Possession of the United States or uses the mails or any instrumentality of interstate commerce for the purpose of sending or bringing into any State or Territory any set of artificial teeth or prosthetic dental appliance or other denture, constructed from any cast or impression made by any person other than, or without the authorization or prescription of, a person licensed to practice dentistry under the laws of the place into which such denture is sent or brought, where such laws prohibit:

- (1) the taking of impressions or casts of the human mouth or teeth by a person not licensed under such laws to practice dentistry;
- (2) the construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under such laws to practice dentistry; or
- (3) the construction or supply of dentures from impressions or casts made by a person not licensed under such laws to practice dentistry—

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 786.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 420f, 420g, and 420h (Dec. 24, 1942, ch. 823, §§ 1, 2, 3, 56 Stat. 1087).

This section consolidates the offense, penalty, and definitive provisions of sections 420f, 420g, and 420h of title 18, U.S.C., 1940 ed., as subsections (a) and (b).

The definition of "denture" was omitted as unnecessary in view of the phraseology of the revised section, the context of which makes clear the meaning of dentures referred to.

The definition of "Territory" was omitted as unnecessary. The revised section makes clear the places included in the application of the section without the use of definitions.

The definition of "Interstate Commerce" was likewise omitted as unnecessary in view of definition of interstate commerce in section 10 of this title.

Changes of phraseology and arrangement were made, but without change of substance.

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of Title 22, Foreign Relations and Intercourse.

CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

CROSS REFERENCES

Jurisdiction and venue of offenses begun in one district and completed in another, see section 3237 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title.

CHAPTER 91—PUBLIC LANDS

Sec.

1851.	Coal depredations.
1852.	Timber removed or transported.
1853.	Trees cut or injured.
1854.	Trees boxed for pitch or turpentine.
1855.	Timber set afire.
1856.	Fires left unattended and unextinguished.
1857.	Fences destroyed; livestock entering.
1858.	Survey marks destroyed or removed.
1859.	Surveys interrupted.
1860.	Bids at land sales.
1861.	Deception of prospective purchasers.
[1862.]	Repealed.]
1863.	Trespass on national forest lands.
1864.	Hazardous or injurious devices on Federal lands.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3554, Nov. 29, 1990, 104 Stat. 4927, struck out item 1862 "Trespass on Bull Run National Forest".

1988—Pub. L. 100-690, title VI, § 6254(g), Nov. 18, 1988, 102 Stat. 4367, added item 1864.

1949—Act May 24, 1949, ch. 139, § 41, 63 Stat. 95, substituted in analysis "1859" for "1959", and added item 1863.

§ 1851. Coal depredations

Whoever mines or removes coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of, or reserved to the United States, with intent wrongfully to appropriate, sell, or dispose of the same, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

This section shall not interfere with any right or privilege conferred by existing laws of the United States.

(June 25, 1948, ch. 645, 62 Stat. 787.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 103a, 103b (July 3, 1926, ch. 780, §§ 1, 2, 44 Stat. 891).